

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-19 are pending. In the present amendment, Claims 1 and 5-10 are currently amended and new Claims 11-19 are added. Support for the present amendment can be found in the original specification, for example, at page 8, line 21 to page 9, line 13, at page 12, line 12 to page 13, line 9, in Figures 1-5, and in original Claims 1-10. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1-9 were rejected under 35 U.S.C. § 102(b) as anticipated by Neale et al. (U.S. Patent No. 6,073,986, hereinafter “Neale”); and Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Neale in view of Baloche et al. (U.S. Patent No. 5,717,300, hereinafter “Baloche”).

In response to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Amended Claim 1 recites:

An adjustable seat for a motor vehicle, comprising:

a cushion,

a backrest positioned adjacent to the cushion,

a lower connecting device to connect the cushion to a lower structural element of the vehicle, wherein the lower connecting device is configured to adjust a position of the seat by moving along the lower structural element, and

an upper connecting device to connect an upper part of the backrest to an upper structural element of the vehicle, wherein the upper connecting device is configured to adjust the position of the seat by moving along the upper structural element.

Accordingly, the adjustable seat recited in amended Claim 1 includes both a lower connecting device and an upper connecting device. Additionally, the lower connecting device connects the cushion to a lower structural element of the vehicle and adjusts a position of the seat by moving along the lower structural element. Further, the upper connecting device connects an upper part of the backrest to an upper structural element of the vehicle and adjusts the position of the seat by moving along the upper structural element. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

Neale describes a vehicle seat assembly 12 which is configured to be moved from a lower position to a storage position by being pivoted around pivot pins 26 mounted on a frame of a vehicle near the roof.¹ Additionally, Neale describes that when the seat assembly 12 is in the lowered position, the seat assembly 12 is retained by a pair of pin receiving structures 104 fixed to the side wall of the vehicle 10.² Further, Neale describes that knob-like supporting pins 108 fixed to the sides of the vehicle 10 retain latch assemblies 106 of the seat assembly 12.³

However, it is respectfully submitted that Neale does not disclose or suggest “a lower connecting device to connect the cushion to a lower structural element of the vehicle, wherein the lower connecting device is configured to adjust a position of the seat by moving along the lower structural element,” as recited in amended Claim 1.

Instead, as discussed above, Neale only describes that the seat assembly 12 is positioned within pin receiving structures 104 and non-like support pins 108 on the side walls of the vehicle 10 when the seat assembly 12 is in the lowered position. Further, as soon as the assembly 12 is rotated upwards around the axis at pins 26, the assembly 12 is no longer

¹ See Neale, at column 5, lines 41-51 and in Figure 2.

² See Neale, at column 8, lines 5-8 and in Figure 3.

³ See Neale, at column 8, lines 25-28 and in Figure 3.

contact with pin receiving structures 104 or knob-like support pins 108. Thus, the seat assembly 12 is not both connected to the pin receiving structures 104 and knob-like support pins 108 and able to adjust the position of the seat assembly 12 by moving along these elements. Therefore, Neale does not disclose or suggest the lower connecting device recited in amended Claim 1.

Accordingly, it is respectfully submitted that Claim 1, and all claims dependent thereon, patentably define over Neale. Thus, it is respectfully requested that the rejection of Claim 1, and all claims dependent thereon, as unpatentable over Neale be withdrawn.

Regarding Claim 6, it is noted that Claim 6 is dependent on Claim 1, and thus is believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, Claim 6 recites, in part, “during displacement of the upper connecting device along a longitudinal axis relative to the upper structural element of the vehicle, the lower connecting device is configured to be fixed relative to the lower structural element.”

In view of the above discussion of Neale, it is respectfully submitted that during displacement of the seat assembly 12 around the axis at pins 26, the bottom of the seat assembly 12 described in Neale would not be *fixedly* positioned on lower structural elements of the vehicle described in Neale. Thus, it is respectfully submitted that Claim 6 further patentably defines over Neale.

Regarding the rejection of Claim 10 as unpatentable over Neale in view of Baloche, it is noted that Claim 10 depends on Claim 1, and thus is believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that Baloche does not cure any of the above-noted deficiencies of Neale. Accordingly, it is respectfully submitted that Claim 10 is patentable over Neale in view of Baloche. Thus, it is respectfully requested that the rejection of Claim 10 be withdrawn.

New Claims 11-19 are added by the present amendment. Support for new Claims 11-19 can be found in the original specification, for example, at page 8, line 21 to page 9, line 13, at page 12, line 12 to page 13, line 9, in Figures 1-5, and in original Claims 1-10. Thus, it is respectfully submitted that no new matter is added.

New Claims 11 and 12 are dependent on Claim 1, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, new Claim 11 recites, in part, that “the lower structural element includes a rail attached to a floor of the vehicle and the lower connecting device slides on the rail.” As discussed above, Neale only describes that the seat assembly 12 pivots around an axis at the pins 26, and thus does not describe sliding along a rail. Accordingly, it is respectfully submitted that Claim 11 further patentably defines over Neale.

New Claim 12 recites, in part, that “the upper structural element includes a rail attached to an upper portion of the vehicle and the upper connecting device slides on the rail.” In view of the above discussion of Neale with respect to Claim 11, it is respectfully submitted that Claim 12 further patentably defines over Neale.

Independent new Claim 13 recites, in part, an adjustable seat for a motor vehicle, comprising “a lower connecting device to connect the frame to a lower rail positioned on a floor of the vehicle, wherein the lower connecting device is configured to adjust a position of the seat by moving along the lower rail.” In view of the above discussion of Neale with respect to Claim 1, it is respectfully submitted that Claim 13 and all claims dependent thereon, patentably define over Neale.

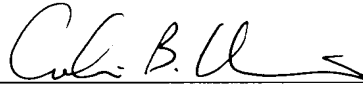
Independent new Claim 19 recites, in part, an adjustable seat for a motor vehicle, comprising “first means for adjusting a position of the seat by moving along a lower structural element positioned on a floor of the vehicle, wherein the first means for adjusting is connected to the lower structural element.” Accordingly, in view of the above discussion of

Neale with respect to Claim 1, it is respectfully submitted that Claim 19 patentably defines over Neale.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Colin B. Harris
Registration No. 58,969